

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**THEDELL DOSS,
JUDY ANN McCARROLL DOSS,**

Plaintiffs,

vs.

CHARLES R. GILKEY, et al.,

Defendants.

Case No. 4:06-CV-192 CDP

ORDER AND MEMORANDUM

This matter is before the Court upon the application of Thedell Doss for leave to commence this action without payment of the required filing fee. *See* U.S.C. § 1915(a).¹ Upon consideration of the financial information provided with the application, the Court will grant applicant provisional leave to file this action in forma pauperis. The Court will also order that this complaint be transferred to the United States District Court for the Southern District of Illinois.

The Complaint

Plaintiffs seek monetary relief pursuant to 28 U.S.C. § 1331. Plaintiffs' claims arise from their confinement at the Federal Correctional Institution at Greenville, Illinois ("FCI-Greenville"). Named as defendants are Charles R. Gilkey (FCI-Greenville superintendent), Francisco Quintana (FCI-Greenville associate superintendent), Norvell Meadors (FCI-Greenville associate superintendent), Pete Pottios (FCI-Greenville staff member), Keith Chambers (FCI-Greenville staff member), Darlene Veltri (FCI-Greenville superintendent), Sara M. Revell (FCI-Greenville superintendent), and Amber L. Nelson (FCI-Greenville superintendent). Plaintiffs allege that

¹The Court notes that Thedell Doss has been released from prison, is currently on parole and resides in St. Louis, Missouri. Judy Ann McCarroll Doss is currently incarcerated at FCI-Greenville. Moreover, although Judy Ann McCarroll Doss is named as a plaintiff in the caption of the complaint and it appears that she signed the complaint, she has not submitted either the filing fee or a motion to proceed in forma pauperis and a certified copy of her inmate account statement.

defendants unjustly and discriminatorily punished them because they are of the Islamic faith and are married according to Islamic laws. Plaintiffs allege, *inter alia*, that, because of their Islamic faith and marriage, they were refused correspondence privileges that other inmates and their families enjoy.

Discussion

Pursuant to 28 U.S.C. § 1391(b), venue for this action is proper where (i) any defendant resides, if all the defendants reside in the same state; (ii) a substantial part of the events or omissions giving rise to the claim occurred; or (iii) where any defendant may be found, if there is no district in which the action may otherwise be brought. All of the events described in the complaint occurred at FCI-Greenville, which is located in Bond County, Illinois, within the territorial jurisdiction of the Southern District of Illinois. *See* 28 U.S.C. § 93(c). Thus, all of the defendants can be found and the events giving rise to this claim occurred in the Southern District of Illinois. Therefore, venue is not proper in this district.

Pursuant to 28 U.S.C. § 1406(a), the District Court in which is filed a case laying venue in the wrong district may dismiss the case or, in the exercise of its discretion and in the interest of justice, transfer the complaint to any District Court in which such action could have been brought. In cases involving a plaintiff who is proceeding pro se and in forma pauperis, especially a prisoner, the usual practice is to transfer the case to the proper district. Therefore, this complaint shall be transferred to the United States District Court for the Southern District of Illinois. Because venue is not proper in this district, no determination has been made as to whether the complaint is frivolous or fails to state a claim, or both, pursuant to 28 U.S.C. § 1915(e)(2)(A)(B).

In accordance with the foregoing,

IT IS HEREBY ORDERED that plaintiff's, Thedell Doss's, motion for leave to proceed in forma pauperis [Doc. #1] be **PROVISIONALLY GRANTED**, subject to modification by the Southern District of Illinois upon transfer.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the complaint because it is being transferred to the Southern District of Illinois.

An appropriate order shall accompany this order and memorandum.

Dated this 7th day of March, 2006


UNITED STATES DISTRICT JUDGE